

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

FEBRUARY 20, 2019

A Regular Meeting of the Harlingen Elective Commission was held February 20, 2019 at 5:30 p.m., City Hall, Town Hall Meeting Room, 2nd Floor, 118 E. Tyler Street, Harlingen, Texas. Those in attendance were:

MAYOR and COMMISSIONERS

Chris Boswell, Mayor
Michael Mezmar, Mayor Pro-Tem, District 3
Richard Uribe, City Commissioner, District 1
Tudor Uhlhorn, District 2
Ruben De La Rosa, District 4
Victor Leal, City Commissioner, District 5

STAFF PRESENT

Dan Serna, City Manager
Amanda C. Elizondo, City Secretary
Allison Bastian, Asst. City Attorney

Mayor Boswell called the meeting to order and announced the meeting was duly posted according to state law. The following proceedings were held:

Invocation/Mayor Pro-Tem Mezmar

Pledge of Allegiance/Welcome

Mayor Chris Boswell recited the Pledge of Allegiance and welcomed those in attendance.

1) Proclamation – proclaiming the month of February, 2018 as “Black History Month”

Mayor Boswell presented a proclamation to Dr. Deloria Davis proclaiming February, 2019 as “Black History Month” and congratulated her for her many accomplishments. He also presented her with a City of Harlingen Coin as a token of the City appreciation for her services to the Harlingen Community Improvement Board and for her services to the community by teaching mathematics at the Student Learning Center. Mayor Boswell expressed his appreciation on behalf of the City Commission for her commitment and dedication to the community.

2) Approval of Minutes

- a) Regular Meeting of December 5, 2018
- b) Regular Meeting of December 19, 2018

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Uribe to approve the minutes for the regular meeting of December 5, 2018 and the regular meeting of December 19, 2018. Motion carried unanimously.

3a) Second and final reading to approve and adopt an ordinance amending Chapter 18 of the Harlingen Code of Ordinances establishing the correction of rental fees for the Rangerville Park Pavilion and Gazebo.

b) Consideration and possible action to approve a request from Mercedes Betancourt, member of the Junior League of Harlingen to close the 100 Block of North “A” Street for their March Madness Event to be held on Jackson Street, Saturday, March 30, 2019 from 6:00 p.m. to 10:00 p.m.

c) Consideration and possible action to approve a request from City Church Harlingen to close the 500 Block of North “B” Street between Washington Avenue and Adams Avenue from 2:00 p.m. to 9:00 p.m., Saturday, March 9, 2019 for their First Church Event, with the inclusion of Alpha & Omega Church and Grace Fellowship Church.

d) Consideration and possible action to approve a request to close Business 77 Sunshine Strip adjacent to the Park for five (5) events on the following dates and times at McKelvey Park during the Year 2019. The events include a Symphony in the Park, two (2) Blues on the Hill, a Concert in the Park and the Lighting of the Arroyo.

<u>March 8th - Symphony at the Park</u>	7-10 pm
<u>May 11th Blues on the Hill</u>	7-10 pm
<u>June 15th Concert on the Hill</u>	7-10 pm
<u>August 24th Blues on the Hill</u>	7-10 pm
<u>December 5th – Lighting of the Arroyo</u>	6 -8 pm

Motion was made by Commissioner Leal and seconded by Commissioner De La Rosa to approve Items 3(a) thru (d) under the Consent Agenda. Motion carried unanimously.

- 4) Consideration and possible action to approve the bid received on the following property struck off to Cameron County, for itself, and other taxing jurisdictions from a tax resale conducted on November 6, 2018.

- a) Legal Description: The south ½ of Lot 17, Colonia Guadalupe Subdivision No. 2, an Addition to Cameron County, Texas, as described in Volume 1327, Page 469, Office Records of Cameron County, Texas. (Acct. No. 16-6770-0000-0171-00).

John Guevara with Linebarger Goggan Blair & Sampson, LLP, stated bids were received for the sale of the above mentioned property for the third time. The previous two times there were no bids for this property. The City gets about 20 to 23 cents on the dollar on this property, and the property will be placed on the tax roll. The judgement amount owed to the City was \$910 and after court and advertising costs the amount to the City is \$205. The property has been delinquent since 2006.

Motion was made by Commissioner Mezmar and seconded by Commissioner De La Rosa to approve the bid received for the property described as the south ½ of Lot 17, Colonia Guadalupe Subdivision No. 2, an Addition to Cameron County, Texas, as described in Volume 1327, Page 469, Office Records of Cameron County, Texas. (Acct. No. 16-6770-0000-0171-00) Motion carried unanimously.

- 5) Consideration and possible action to approve a resolution accepting the bid received on the tax resale conducted on November 6, 2018 for the above referenced property.

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Uribe to approve the resolution accepting the bid received on the tax resale conducted on November 6, 2018 for the above referenced property. Motion carried unanimously.

- 6) Consideration and possible action to approve a resolution authorizing the Mayor, on behalf of the City of Harlingen, to submit a grant application in the amount of \$83,537.20 to the Office of the Governor, Public Safety Office – Criminal Justice Division (General Victim Assistance Program) to secure funds for a Crime Victim Liaison.

Mike Kester, Interim Chief of Police, stated the grant is for two years to fund the Crime Victims Liaison position. The City has received this grant for 12 years. This is an 80/20 match, (State -80% and City 20%). The City's 20% share is paid through salaries and in-kind. Ms. Beatriz Garcia, Crime Victims Liaison, has been with the Police Dept. for 12 years and has done a fantastic job. She has helped approximately 2,700 victims over the last three (3) years. If the grant is approved, the funding will be for the start of Fiscal Year 2019-2020 and will continue for the following year.

Motion was made by Commissioner De La Rosa and seconded by Commissioner Leal to approve a resolution authorizing the Mayor, on behalf of the City of Harlingen, to submit a grant application in the amount of \$83,537.20 to the Office of the Governor, Public Safety Office – Criminal Justice Division to secure the funds for a Crime Victim Liaison. Motion carried unanimously.

- 7) Consideration and possible action to authorize the Mayor, on behalf of the City of Harlingen, to submit a grant application to the Office of the Governor Criminal Justice Division for \$29,724.60 under the Rifle-Resistant Body Armor Grant Program.

Mr. Kester, stated staff was requesting approval to submit a grant to the Office of the Governor Criminal Justice Division under the Rifle-Resistant Body Armor Grant Program for approximately sixty body armors for patrol officers.

Motion was made by Commissioner De La Rosa and seconded by Commissioner Mezmar to authorize the Mayor, on behalf of the City of Harlingen, to submit a grant application to the Office of the Governor Criminal Justice Division for \$29,724.60 under the Rifle-Resistant Body Armor Grant Program. Motion carried unanimously.

- 8) Consideration and possible action to approve a resolution authorizing the Mayor, on behalf of the City of Harlingen, to submit a grant application to the Office of the Governor Homeland Security Grants Division for \$31,122 under the 2019 State Homeland Security Program (SHSP).

Mr. Kester stated this is an annual grant application for \$30,000 for technology. If the grant is approve, the funds will be use to purchase portable radios for the SWAT Team.

Motion was made by Commissioner De La Rosa and seconded by Commissioner Leal to approve a resolution authorizing the Mayor, on behalf of the City of Harlingen, to submit a grant application to the Office of the Governor Homeland Security Grants Division for \$31,122 under the 2019 State Homeland Security Program (SHSP). Motion carried unanimously.

- 9) Consideration and possible action to authorize the Mayor, on behalf of the City of Harlingen, to accept a grant funding in the amount of \$27,830.00 made available through the Office of the Governor Department of Justice under the 2018/2019 - Edward Bryne Memorial Justice Assistance Grant Program.

Mr. Kester stated the Office of the Governor, Department of Justice, awarded the grant to the City. Approval is required from the City Commission to authorize the Mayor to accept the funding. The funds will be use for technology upgrades.

Motion was made by Commissioner Leal and seconded by Commissioner Mezmar to authorize the Mayor, on behalf of the City of Harlingen, to accept the grant funding in the amount of \$27,830 made available through the Office of the Governor Department of Justice under the 2018/2019 - Edward Bryne Memorial Justice Assistance Grant Program. Motion carried unanimously.

- 10) Public hearing to receive comments regarding the proposed voluntary annexation and to establish the initial zoning to Residential, Single Family ("R-1") District for a 36.46 acre tract of land, more or less, out of Block 99, Wilson Tract Subdivision, located north of Pink Flamingo Street east of Tamm Lane. Applicant David Salinas, c/o Arturo Ortega.

Rodrigo Davila, Planning & Zoning Director stated Mr. David Salinas, applicant, in the care of Arturo Ortega, property owner, has requested voluntary annexation of 36.46 acre tract of land. The property is currently outside the City limits, but adjacent to the City limits and is vacant. The applicant is proposing to subdivide the property into a 160 lot single-family residential subdivision to be done in 4 phases. The developer will be responsible for all infrastructure provisions including street developments, streetlights, water services and storm water and any other requirements as specified under the subdivision regulations. Harlingen Water Works System will provide water and wastewater services subject to the proceeding of the annexation. As per state law, three (3) public hearings are required for voluntary annexation and two readings of the ordinance. The subdivision is currently in preliminary stages and engineering was requesting a traffic study and staff was waiting on the results of this study.

Mayor Boswell announced this was a public hearing and anyone wishing to speak for against could do so.

There being no comments from the audience, Mayor Boswell closed the public hearing.

Discussion was held in reference to the subdivision whether or not it has been sold; whether this subdivision was similar to the one located on Wilson Road; and if the City had a drainage master plan.

Mr. Davila responded yes, some of the existing houses were still not sold. The subdivision on Wilson Road was similar to this one, but smaller.

Commissioner Uhlhorn stated staff should make sure that the Drainage District is aware of this proposed development to assure that the drainage is adequate. There have been drainage problems in the past with the existing homes in this particular area.

Mr. Davila stated staff has been in communication with the Drainage District and Harlingen Water Works and staff is waiting on the impact study. Staff wrote a letter to the City of Primera informing them of the proposed development because the property is adjacent to their city limits. They have not responded to our correspondence. This subdivision is still on the preliminary review stages and there is more information to be gathered. A drainage plan was provided to the Engineering Department. The Engineering Department reviewed the subdivision plan, but additional information is pending for review prior to continuing with the elimination process.

Mayor Boswell stated the developers need to look into what has been assessed to help them with their planning process.

Mr. Davila responded the developer(s) are aware of the possible means and are waiting on the impact traffic analysis

No action was taken on Item #10.

- 11) Public hearing to consider an ordinance on first reading to rezone from Single Family Residential ("R1") District to General Retail ("GR") District for Lots 11 thru 13, Block 2 and Lots 12 and 13, Block 3, R. W. Nelson Amended Subdivision, located at 703 and 706 W. Hanson. Applicant Jose Jaime Cano.

Mr. Davila stated the properties are located on the north and south side of E. Hanson Street, west of F. Street. The surrounding zoning is General Retail (GR) District to the north, east, and south, and Single Family Residential (R1) District to the west. The owner owns all these properties and the zoning is General Retail. Mr. Cano owns Lots 12 and 13 of the Nelson Amended Subdivision and Lots 11-13, Block 2; owns Lots 9 and 10, but is only requesting 11, 12, and 13 of the same block. The applicant would like to rezone the properties to create a smoother transition from Single-Family District to General Retail. There is an existing home on Lots 11 and 13 which are owned by Mr. Cano.

a) Public Hearing

Mayor Boswell announced this was a public hearing and anyone wishing to speak for or against this item may do so. There being no comments, Mayor Boswell closed the public hearing.

- b) Consideration and possible action to approve an ordinance on first reading to rezone from Single Family Residential ("R1") District to General Retail ("GR") District for the above described property.

Allison Bastian, Asst. City Attorney, read the caption of the ordinance.

Motion was made by Commissioner Leal and seconded by Commissioner De La Rosa to approve the ordinance on first reading to rezone from Single Family Residential ("R1") District to General Retail ("GR") District for the above described property. Motion carried unanimously.

- 12) Consideration and possible action to authorize the City Manager to execute the Landscape Maintenance Agreement with the Texas Department of Transportation for the Landscaping Elements for the Widening of Spur 54.

Ponciano Longoria, Engineer, stated agreement is for the landscaping of Spur 54 from Interstate 2 to "T" Street. The Texas Dept. of Transportation is responsible for installing landscape elements including, but not limited to plants, shrubs, grass, sidewalks, irrigation systems, and hardscape features through its employees or duly appointed agents. The City's responsibility is to maintain all landscape elements within the limits of the right of way including all median and island areas, but excluding paved areas that are intended for traveling.

Motion was made by Commissioner Leal and seconded by Commissioner De La Rosa to authorize the City Manager to execute the Landscape Maintenance Agreement with the Texas Department of Transportation for the Landscaping Elements for the Widening of Spur 54. Motion carried unanimously.

- 13) Consideration and possible action to authorize the City Manager to execute Amendment Number 1 to the Interlocal Agreement between the Lower Rio Grande Valley Development Council and the City of Harlingen for the Federal Transit Administration 5307 Project of Sidewalk Improvements and submit a letter of local funding match certification.

Mr. Longoria stated the amendment was in regards to the Sidewalk Project for additional funding. The Sidewalk Project was completed, except for the railroad crossing on 6th and Jefferson Street. Staff reached out to the Lower Rio Grande Valley Development Council and an additional \$75,025 was allocated to complete the project. He requested to extend the existing agreement from September 30, 2017 to December 31, 2019 to complete the crossing.

Motion was made by Commissioner Uhlhorn and seconded by Commissioner Leal to authorize the City Manager to execute Amendment Number 1 to the Interlocal Agreement between the Lower Rio Grande Valley Development Council and the City of Harlingen for the

Federal Transit Administration 5307 Project, Sidewalk Improvements, and submit a letter of local funding match certification. Motion carried unanimously.

- 14) Consideration and possible action to accept or reject bids and award a contract for the 2018-2019 Street Improvements Project under Bid Number 2019-02 and to allow for a quantity adjustment to bring the project within budget.

Mr. Longoria stated they received a total of 6 bids on February 12, 2019. The lowest bid received was Earthworks Enterprise for \$2,094,394.54 which is over budget. Staff reviewed the plans again to reduce the cost or remove streets from the project. Staff reduced the linear feet of the curb and gutter, eliminated the grass seeding and watering along the disturbed areas. The bid amount was reduced from \$2,094,394.54 to \$1,862,827.08 to stay within the budget. Mr. Longoria stated he spoke to the contractor and he agreed with reductions.

Motion was made by Commissioner Leal and seconded by Commissioner Mezmar to accept or reject bids and award a contract for the 2018-2019 Street Improvements Project under Bid Number 2019-02 and to allow for a quantity adjustment to bring the project within budget. Motion carried unanimously.

- 15) Consideration and possible action to authorize the City Manager to enter into an Advanced Funding Agreement with the Texas Department of Transportation (TxDOT) for maintenance of the landscaped areas along the US 77/83 Interchange, Expressway 77 and Spur 54.

Celina Gonzales, Public Works Director, stated this agreement has been in place for awhile and is renewed every two (2) year for the mowing and oversight of the landscaping on Spur 54, 77/83 Interchange and along Expressway 77 for a cost of \$90,566 per year.

Motion was made by Commissioner Uribe and seconded by Mayor Pro-Tem Mezmar to authorize the City Manager to enter into an Advanced Funding Agreement with the Texas Department of Transportation (TxDOT) for maintenance of the landscaped areas along the US 77/83 Interchange, Expressway 77 and Spur 54. Motion carried unanimously.

- 16) Consideration and possible action to approve an ordinance on first reading to amend the City of Harlingen's Budget for Fiscal Year 2018-2019.

Elvia Trevino, Finance Director, stated the budget amendment allocated funds for grants and other revenues and expenditures not previously included in the current budget. The total amount of increase revenues is \$2,975,124 and increase expenditures are \$2,623,839. She referred to Exhibit "A" which outlined the total revenues, expenditures and estimated fund balances by fund after the amendment and Exhibit "B" showed the detailed changes in revenues and expenditures by account number.

Allison Bastian, Asst. City Attorney read the caption of the ordinance.

Motion was made by Commissioner Leal and seconded by Commissioner Mezmar to approve an ordinance on first reading to amend the City of Harlingen's Budget for Fiscal Year 2018-2019. Motion carried unanimously.

- 17) Consideration and possible action to approve a resolution of the Harlingen City Commission amending Resolution No. 2019-03 for the purpose of designating Ben Milam Elementary School as a polling place located at 1215 Rangerville Road for the May 2019 City of Harlingen General Election for all registered voters residing in Precinct 43, District 5.

Amanda C. Elizondo, City Secretary, stated the resolution is to designate Ben Milam Elementary as a polling place. The School Board voted to designate Ben Milam as a polling place and since the City is doing joint elections, staff is recommending the same.

Motion was made by Commissioner Mezmar and seconded by Commissioner De La Rosa to approve a resolution of the Harlingen City Commission amending Resolution No. 2019-03 for the purpose of designating Ben Milam Elementary School as a polling place located at 1215 Rangerville Road for the May 2019 City of Harlingen General Election for all registered voters residing in Precinct 43, District 5. Motion carried unanimously.

- 18) Consideration and possible action to approve an Interlocal Agreement between the City of Harlingen and the Harlingen Consolidated Independent School District to share polling places, equipment and election personnel for Election Day and share City Hall as a joint polling place for Early Voting by Personal Appearance.

Amanda C. Elizondo, City Secretary, stated this is the standard contract that has been used in the past with the School District to hold the joint elections. The only difference is that the hold harmless clause was removed at the recommendation of Ms. Bastian, Asst. City Attorney for both entities.

Ms. Bastian preferred to discuss this in executive session.

Mayor Boswell recommended discussing this item in executive session.

19) Board Appointments

Mayor Boswell appointed Johanna Lozano to the Keep Harlingen Beautiful Board.

Motion was made by Commissioner Mezmar and seconded by Commissioner Leal to appoint Johanna Lozano to the Keep Harlingen Beautiful Board.

20) Executive/Closed Session on the following items:

- a) pursuant to Texas Gov't. Code Sec. 552.072 and 551.071 to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the City of Harlingen with a third person regarding the acquisition of real property for transit terminal expansion
- b) pursuant to Chapter 551, Sections 551.087, 551.071 and 551.072 of the Gov't Code regarding commercial and financial information from a business prospect with which the City is conducting economic development negotiations and/or to discuss or deliberate financial or other incentives with the business prospect known as **Project Development** and to seek legal advice from the City Attorney regarding the subject matter.
- c) pursuant to Chapter 551, Sections 551.087, 551.071 and 551.072 of the Gov't. Code regarding commercial and financial information from a business prospect with which the City is conducting economic development negotiations and/or to discuss or deliberate financial or other incentives with the business prospect known as **Project Dream** and to seek legal advice from the City Attorney regarding the subject matter.

At 6:11 p.m., Mayor Boswell announced the City Commission would convene into executive session to discuss Item 20 (a, b, & c) and Item No. 18.

Motion was made by Commissioner De La Rosa and seconded by Commissioner Leal to go into executive session to discuss Item 20 (a, b, & c) and Item No. 18. Motion carried unanimously.

At 6:45 p.m., Mayor Boswell announced the City Commission had completed its executive session.

21) Citizen Communication

None

There being no further business to discuss, Mayor Boswell adjourned the meeting.

ATTEST:

Amanda C. Elizondo
Amanda C. Elizondo, City Secretary

City of Harlingen

Chris Boswell, Mayor